

7/88

R-0360-01-C

ORIGINAL

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

APPROVAL OF UNDERGROUND COAL MINING PERMIT APPLICATION/
APPLICATION TO REVISE A PERMIT

1. Name of Applicant The Ohio Valley Coal Company
2. Address of Applicant 56854 Pleasant Ridge Road
City Alledonia State Ohio Zip 43902
3. Application Number R-0360-1
4. Number of acres in underground workings 4,159
5. Number of surface acres to be affected -0-
6. The water monitoring plan for this permit shall be:
Monitor as indicated in application

Note: These monitoring requirements are separate from NPDES monitoring requirements.

7. This application is approved since it
(demonstrates) (~~does not demonstrate~~) and the Division
(has) (~~has not~~) found that the criteria in paragraph (H) of
rule 1501: 13-5-01 of the Administrative Code have been met.

Date February 3, 1989

Signed

Tom L. Durringer by M. Vickman

R-0360-1



OHIO DEPARTMENT OF
NATURAL RESOURCES

Fountain Square
Columbus, Ohio 43224

January 23, 1989

To: Mined Lands Reclamation Division
Dept. of Natural Resources
Centennial Bldg., Room 423
1313 Sherman St.
Denver, Colorado 80203

From: Becky Lachey
Division of Reclamation
Permitting Section

Subj: Notice of Violation Compliance Review

The Division has received an application for a coal mining permit. The name of the applicant and the names of the owners, partners, officers, directors, etc. are shown below. Prior to issuance of a coal mining permit, the Division is required to review the status of any notice of violation issued to the applicant for violation of any law or rule pertaining to air or water environmental protection during the three year period preceding the date of this letter and to determine whether any coal mining permits have been suspended or revoked or bonds forfeited.

Applicant: The Ohio Valley Coal Company (The Nacco Mining Co., The North American Coal Company)
Owners, officers, directors, etc.

Robert E. Murray
Stephen C. Ellis

If the applicant or any of the owners, officers, directors, etc. are currently in violation or have had permits suspended or revoked or bond forfeited in your state, please notify me in writing. If we receive no response from you within 35 days from the date of this letter, we will assume the applicant, owners, directors, etc. are in compliance in your state.

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BAL/sm

R-0360-1

Richard F. Celeste, Governor

TOVCC 07283

THE NACCO MINING COMPANY

12800 SHAKER BOULEVARD
CLEVELAND, OHIO 44120

May 28, 1987

Mr. Larry W. Mamone, Chief
Division of Reclamation
Ohio Department of Natural Resources
Fountain Square, Building B
Columbus, Ohio 43224

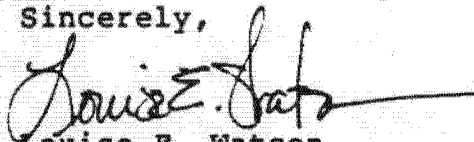
Dear Mr. Mamone:

The Nacco Mining Company, owner and operator of the Powhatan No. 6 Mine of Belmont County, Ohio, hereby requests a waiver from the requirements of 1501:13-4-13 (C)(I)(a) to (C)(I)(c).

The No. 6 Mine was granted permit D-0360 allowing mining of the Pittsburgh No. 8 coal seam in 1984. This Application to Revise the permit will allow the same type of coal removal under the same types of conditions. The strata overlying the coal seam in the extended area is similar if not identical to that contained within the previously approved area.

Due to the nature of the type of mining - room and pillar method - conducted at this facility, no disturbance of the overlying strata is anticipated.

Sincerely,


Louise E. Watson
Permit Coordinator

R-0360-1

LEW:sb

APPROVED <input type="checkbox"/>
DISAPPROVED <input checked="" type="checkbox"/>
DATE: <u>6-24-87</u>
SIGNED <u>Larry W. Mamone bvc</u> Chief

Waiver - question #8

TOVCC 07284

ODNR
OHIO DEPARTMENT OF
NATURAL RESOURCES

Fountain Square
Columbus, Ohio 43224

January 23, 1989

To: Division of Water Supply & Pollution Control
Dept. of Health
Missouri Office Building
1200 Missouri Ave.
Bismarck, North Dakota 58505

From: Becky Lachey
Division of Reclamation
Permitting Section

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BAL/sm

D-0360-1

Richard F. Celeste, Governor

TOVCC 07285

ODNR
OHIO DEPARTMENT OF
NATURAL RESOURCES

Fountain Square
Columbus, Ohio 43224

January 23, 1989

To: Division of Environmental Engineering
Dept. of Health
1200 Missouri Ave.
Bismarck, North Dakota 58505

From: Becky Lachey
Division of Reclamation
Permitting Section

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R-0360-1

Richard F. Celeste, Governor

TOVCC 07286



OHIO DEPARTMENT OF
NATURAL RESOURCES

Fountain Square
Columbus, Ohio 43224

January 23, 1989

To: U.S. EPA Region VIII
999 - 18th St.
Denver Place - Suite 500
Denver, Colorado 80202-2405
WM-C

From: Becky Lachey
Division of Reclamation
Permitting Section

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BAL/sm

Richard F. Celeste, Governor

TOVCC 07287



**OHIO DEPARTMENT OF
NATURAL RESOURCES**

Fountain Square
Columbus, Ohio 43224

January 23, 1989

To: North Dakota Public Service Commission
Capital Building
Bismarck, North Dakota 58505

From: Becky Lachey
Division of Reclamation
Permitting Section

Subj: Notice of Violation Compliance Review

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BAL/sm

R-0360-1

Richard F. Celeste, Governor

TOVCC 07288



OHIO DEPARTMENT OF
NATURAL RESOURCES

Fountain Square
Columbus, Ohio 43224
(614) 265-6633

January 23, 1989

To: E.P.A.
Industrial Waste Water
P.O. Box 1049; 1800 WaterMark Dr.
Columbus, OH 43266-0149

From: Becky Lachey
Division of Reclamation
Permitting Section

Subj: Notice of Violation Compliance Review

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R-0360-1

Richard F. Celeste, Governor

TOVCC 07289

ODNR

**OHIO DEPARTMENT OF
NATURAL RESOURCES**

Fountain Square
Columbus, Ohio 43224
614-265-6633

January 23, 1989

To: E.P.A.
841 Chestnut St.
Philadelphia, PA 19107

From: Becky Lachey
Division of Reclamation
Permitting Section

Subj: Notice of Violation Compliance Review

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BAL/sm

Richard F. Celeste, Governor - Lt. Gov. Myrl H. Shoemaker, Director

D-0360-1

TOVCC 07290

ODNR

OHIO DEPARTMENT OF
NATURAL RESOURCES

Fountain Square
Columbus, Ohio 43224
614-265-6633

January 23, 1989

To: Bureau of Mining & Reclamation
P.O. Box 2357
Executive House
Harrisburg, PA 17120

From: Becky Lachey
Division of Reclamation
Permitting Section

Subj: Notice of Violation Compliance Review

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BAL/sm

Richard F. Celesta, Governor • Lt. Gov. Myri H. Shoemaker, Director

P-0360-1

TOVCC 07291

January 23, 1989

To: E.P.A.
230 S. Dearborn Street
Chicago IL 60604

From: Becky Lachey
Division of Reclamation
Permitting Section

Subj: Notice of Violation Compliance Review

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BAL/sm

- 0360-1

Richard F. Celeste, Governor



OHIO DEPARTMENT OF
NATURAL RESOURCES

Fountain Square
Columbus, Ohio 43224
(614) 265-6633

January 23, 1989

To: E.P.A.
Office of Air Pollution Control
P.O. Box 1049; 1800 WaterMark Dr.
Columbus, OH 43266-0149

From: Becky Lachey
Division of Reclamation
Permitting Section

Subj: Notice of Violation Compliance Review

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BAL/sm

R-0360-1

Richard F. Celeste, Governor

TOVCC 07293

ODNR

OHIO DEPARTMENT OF
NATURAL RESOURCES

January 20, 1989

Fountain Square
Columbus, Ohio 43224
614-265-6633

To: Dept. of Environmental Resources
Bureau of Air Quality Control
P.O. Box 2063
Harrisburg PA 17120

From: Becky Lachey
Division of Reclamation
Permitting Section

Subj: Notice of Violation Compliance Review

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BAL/sm

R-0360-1

Richard F. Celeste, Governor · Lt. Gov. Myrl H. Shoemaker, Director

TOVCC 07294

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

Written Findings

Applicant: The Ohio Valley Coal Company
Application No.: R-0360-1

This application has been reviewed by the Division and these findings, as required by 1501: 13-5-01 (E) of the Ohio Administrative Code, are being made.

1. The permit area is not within an area designated as unsuitable for mining pursuant to 1501: 13-3-07 of the Ohio Administrative Code. As of this date no areas within the state have been designated as unsuitable.
2. The permit area is not within an area under study for designation as unsuitable for mining based on review of the petitions filed with and being processed by the Division.
3. The permit area is not within one hundred feet of a cemetery based on a field review and map review of the application area and Part 1, D(9) of the permit application.
4. The permit area is not within one hundred feet of the outside right-of-way of a public road based on the field review and map review of the application area and Part 1, D(6) of the permit application.
5. The permit area is not within three hundred feet of an occupied dwelling based on the field review and map review of the application area and Part 1, D(7) of the permit application.
6. The proposed mining operation will not adversely affect publicly owned parks or places listed or eligible for listing on the National Register of Historic Places based on review of those sites as listed in the federal register and Part 1, D(5) of the permit application.
7. The permit area is not within three hundred feet of a public building, school, church, community or institutional building, or public park based on a field review and map review of the application area and Part 1, D(8) of the permit application.

8. The permit area does not include any lands within the boundaries of the National Park System, The National Wildlife Refuge System, The National System of Trails, The National Wilderness Preservation System, The Wild and Scenic Rivers System, including study rivers designated under Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276 (a)), or study rivers or study river corridors as established in any guidelines pursuant to that act, National Recreation Areas designated by Acts of Congress, or any nature preserve dedicated pursuant to Chapter 1517. of the Revised Code. This finding is based on review of documents prepared by the National Park Service and the Office of Outdoor Recreation, O.D.N.R., and Part 1, D(1) and D(3) of the permit application.
9. The permit area does not include any federal lands within the boundaries of any National Forest.
10. The permit area is not within one thousand feet of the waterlines of any wild, scenic, or recreational river dedicated pursuant to Chapter 1501., Ohio Revised Code. This finding is based upon the field review and Part 1, D(2) of the permit application.
11. The coal mining operations proposed by this application will not affect the continued existence of threatened or endangered species or result in the destruction or adverse modification of their critical habitat as determined under the Endangered Species Act of 1973 (16 U.S.C. 1513 et seq.). The Indiana bat is the only species on the federal list that is in the coal mining region of the state, but per Kent Kroonemeyer's (U.S. Fish & Wildlife) 4-29-85 letter the bat is not in Belmont County and there is no critical habitat in Ohio for any of the federally listed species.
12. The private mineral estate has not been severed from the private surface estate based on review of the documents filed to comply with 1501: 13-4-03 (E) of the Ohio Administrative Code. The documents are part of the permit application.
13. The applicant has corrected or is in the process of correcting to the satisfaction of the issuing agencies all notices of violations. This finding is based on verification of Division issued N.O.V.'s, review of information through the Applicant Violator System, and letters sent to other regulatory agencies. Those letters and documentation of the reviews are included within the permit application file.
14. The applicant is required to submit the acreage fees prior to issuance of the permit. The applicant is not delinquent in payment of the Federal reclamation fee required by Section 402 of Public Law 95-87 based on review of the Applicant Violator System.

15. The applicant is required to submit the performance bond prior to issuance of the permit. The receipt for payment of bond is part of the permit file.
16. The applicant (and the operator, if applicable) does not control and has not controlled mining operations with a demonstrated pattern of willful violations of Chapter 1513. of the Revised Code and rules adopted thereunder of such nature, duration, and with such resulting irreparable damage to the environment as to indicate an intent not to comply with such provisions. This finding is based on a records search from the Technical and Enforcement Section on February 3, 1989.
17. The chief has made the following specific approvals required by Chapter 1501: 13-01 through 1501: 13-14 of the Ohio Administrative Code: none.
18. The postmining land uses are the same as the premining land uses. The finding is based on review of Part 2, H(1) and H(6) of the permit application.
19. The permit application does not include any soils identified as prime farmland. This finding is based on review of Part 2, H(5) and Attachment 16 of the permit application.
20. Coal mining and reclamation operations to be performed under the permit will not be inconsistent with other such operations anticipated to be performed during the same permit term in areas adjacent to the proposed permit area.
21. Based on review of Part 2, Items B, C, D, E, F and Part 3, Items A(7), D(9), E, F, H of the permit application it is found that the proposed operations have been designed to prevent damage to the hydrologic balance outside the permit area.
22. The probable cumulative hydrologic impact assessment for this application area and adjacent areas on the hydrologic regime and water availability is based on review of the Attachment 14's, analysis of existing ground water file data by the Division of Water, and other hydrological and geological data which is part of this application. The impact assessment is as follows:

The application and adjacent areas are located within the Captina Creek Drainage Basin. The 4,159 acre application lies below portions of the Joy Fork, Miller's Run, Bend Fork, Anderson Run, Reeves Hollow, and Casey Run. Joy Fork and Miller Run are perennial tributaries of Bend Fork. Bend Fork, Anderson Run, and Casey Run are perennial tributaries of Captina Creek. Reeve's Hollow is a perennial tributary of Berry Run.

The OEPA has designated Captina Creek from the confluence with the North and South Forks of Captina Creek to Cat Run as an exceptional warmwaters aquatic life habitat, as a water supply for agricultural and industrial users, and as a primary contact water for recreational purposes. Joy Fork, Miller's Run, Bend Fork, Anderson Run, Reeves Hollow and Casey Run have all been designated as warmwater aquatic life habitats, water supplies for agricultural and industrial purposes and as primary contact waters for recreational purposes. There are 115,712 acres within the Captina Creek drainage basin. This application proposes to mine under approximately 3.6% of the Captina Creek Drainage Basin.

Groundwater supplies developed within the hydrologic boundary of the application seldom yield as much as 5 gallons per minute. Groundwater supplies are developed within undifferentiated layers of thin to massive sandstone interbedded within shale, fireclay, limestone and coal. Yields average less than 2 gallons per minute. Wells drilled or dug on the broader flood plains of Captina Creek may yield as much as 25 gallons per minute. All groundwater supplies inventoried are above the #8 coal seam. There are no known aquifers below the #8 coal seam within the hydrologic boundary of the application.

The Pittsburgh #8 coal seam is proposed to be mined between the elevations of 710 and 760 feet mean sea level. The coal bed is synclinal, sloping downward from the eastern and western portions of the application and having its lowest elevation of 710 feet towards the middle of the application. The overburden above the coal seam ranges from approximately 150 feet to 600 feet. The proposed application will be mined by the room and pillar method of mining. Subsidence is not planned.

Based upon the method of mining to be employed in the application area it is not anticipated that any surface or groundwaters will be adversely impacted as a result of the proposed operation.

23. The applicant has demonstrated and the chief has found that the mining and reclamation plans contained in Parts 2, 3, and 4 of the permit application can be feasibly accomplished.
24. The permit application does not proposed to use an existing structure in connection with or to facilitate the proposed coal mining and reclamation operation based on a field review of the site and Part 3, B(1) of the permit application.
25. The permit application does not contain any special categories of mining based on a field review of the site and Part 4 of the permit application.

26. The Chief has accounted for the possible effect of the proposed permit on properties listed or eligible for listing on the National Register of Historic Places. Consideration was given to, but not limited to, the following: (a) imposing permit conditions which protect the historic resource, (b) requiring revision of the proposed operation plan before application approval, or (c) concluding in a written finding that no protection measures are necessary.
27. The Division of Reclamation has determined that permit application number R-0360-1 submitted on November 18, 1985 and revised June 1, 1987; June 8, 1987; March 31, 1988, September 30, 1988; December 12, 1988; January 11, 1989; February 1, 1989; and February 2, 1989 is accurate and complete and that it complies with the requirements of Chapter 1513 of the Revised Code and all rules adopted thereunder.

Bucky Zachry
(application manager)

2-3-89
(date)

Tim L. Dieringer by M. Vishnukumar
(Chief, Division of Reclamation)

2-3-89
(date)